

October 9, 2003

Commissioners:

11.¹ A father waited in line with his daughter Shelly for the chance to sign the White House guestbook. Impatiently the little girl pushed in front of a nun to get her turn. The father restrained his daughter and said:

"Wait till _____."

Commissioner Kathlene Abernathy in her Remarks to the United PowerLine Council Annual Conference, Sept. 22, 2003, stated,

I want consumers to have a choice of multiple, facilities-based providers, including not only cable and DSL, but also powerline, wireless, and satellite services. Such a robustly competitive and diversified marketplace is something I would call broadband Nirvana. We will not get there overnight, but the continuing development of BPL technology is a major step forward."

While the long-term objective is a robustly competitive marketplace that is free of regulatory distortions, a more immediate question is: What should the FCC do to help foster such an environment? Sticking with my Nirvana metaphor, I guess the question would be, what is the path to enlightenment?

I believe the answer, in short, is regulatory restraint.

Then later on in her speech, she said, "Finally, it is important to recognize that although the emergence of new platforms like BPL will eliminate the need for many *competition-related* regulations, *other* types of regulation may well remain necessary."

I believe the one that needs restraining, based on *other* types of regulation, are the BPL companies themselves, just as "The father restrained his daughter and said: 'Wait till the nun signs, Shelly.'"

The multitude of over-the-air users of HF & low VHF should be allowed to sign off on any new technology first, one that could pose serious threat to their operations, before that technology is allowed to go forward.

Respectfully Submitted,
Earl S. Gosnell III

¹Richard Lederer, Get Thee to a Punnery (Charleston: Wyrick & Co., 1988) p. 133.